

VZCZCXRO3025  
PP RUEHMR  
DE RUEHSB #0376/01 0861737  
ZNY CCCCC ZZH  
P 271737Z MAR 06  
FM AMEMBASSY HARARE  
TO RUEHC/SECSTATE WASHDC PRIORITY 9806  
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
RUEHUJA/AMEMBASSY ABUJA 1176  
RUEHAR/AMEMBASSY ACCRA 1011  
RUEHDS/AMEMBASSY ADDIS ABABA 1180  
RUEHBY/AMEMBASSY CANBERRA 0441  
RUEHDK/AMEMBASSY DAKAR 0800  
RUEHKM/AMEMBASSY KAMPALA 1234  
RUEHNR/AMEMBASSY NAIROBI 3586  
RUEHFR/AMEMBASSY PARIS 1005  
RUEHRO/AMEMBASSY ROME 1635  
RUEKDIA/DIA WASHDC//DHO-7//  
RHEHNSC/NSC WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC  
RUCNDT/USMISSION USUN NEW YORK 1391  
RUCPDO/DEPT OF COMMERCE WASHDC  
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK//DOOC/ECMO/CC/DAO/DOB/DOI//  
RUEPGBA/CDR USEUCOM INTEL VAIHINGEN GE//ECJ23-CH/ECJ5M//

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000376

SIPDIS

SIPDIS

AF/S FOR B. NEULING  
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE  
AFR/SA FOR E. LOKEN  
COMMERCE FOR BECKY ERKUL

E.O. 12958: DECL: 12/31/2011

TAGS: [PHUM](#) [EAID](#) [PGOV](#) [ASEC](#) [PREL](#) [ZI](#)

SUBJECT: ZLHR DIRECTOR ON ANTI-REGIME ACTIONS AT HOME AND ABROAD

REF: HARARE 112

Classified By: Ambassador Christopher Dell under Section 1.4 b/d

-----  
Summary  
-----

1. (C) Zimbabwe Lawyers for Human Rights (ZLHR) Director Arnold Tsunga on March 23 told the Ambassador that he enjoyed surprisingly good relations with many GOZ authorities, who he said were increasingly ambivalent about GOZ repression. He said that despite GOZ harassment, ZLHR continued its activities, specially defending human rights activists and presenting human rights cases to the African Union. With respect to the latter, Tsunga said ZLHR had convinced regional law societies to join ZLHR's petition filed last week with the African Union against the GOZ's recent constitutional amendments. In response to the Ambassador's suggestion, Tsunga expressed interest in expanding ZLHR's activities to include the humanrights component of GOZ economic crimes. End Summary.

-----  
GOZ Repression and Ambivalence  
-----

2. (C) The Ambassador asked Tsunga about GOZ harassment of ZLHR. In response, Tsunga noted that ZLHR's work was facilitated by a certain rapport - and in some cases collaboration - between mid- to low-level authorities and human rights defenders. Tsunga said he had a good working relationship with a number of GOZ officials, especially the Director of Public Prosecutions. He also worked closely with the Chief of Magistrates in senior-level Law Society meetings. He added that the Attorney General's office

recently had approach ZLHR for training of AG staff and the judiciary.

13. (C) Tsunga said police and prosecutors often became "more reasonable" once human rights lawyers were on the scene - they feared adverse publicity and potential lawsuits, and were increasingly ambivalent toward the regime's repression. Many welcomed the "political cover" the lawyers' presence provided. In that regard, Tsunga noted a recent incident in Mutare, when a number of participants in a ZLHR program had been detained after authorities believed Tsunga had left Mutare. Upon learning of the detentions, he proceeded to the police station and secured the detainees' release. He noted said the police officers at the station had attributed the arrests to an overzealous new regional police chief.

-----  
Defending Human Rights Activists Nationwide  
-----

14. (C) Tsunga said the day-to-day legal representation of victims of human rights abuses was ZLHR's most important activity. ZLHR's 172 lawyers were sufficient to keep up with the number of human rights cases across the country. Eleven lawyers were specially designated to travel to and manage caseloads in the most "insecure" areas, and broadly dispersed community activists trained over the past few years maintained communications between remote communities and ZLHR. Ongoing civic education sensitized the populace to their rights and what lawyers can do. Victims who were not being represented by ZLHR were ones who had chosen not to pursue cases - not surprising given the fear that pervades

HARARE 00000376 002 OF 003

the populace - or had retained their own legal counsel. He stressed the importance of USAID-funded psycho-social support for victims, suggesting churches could play a greater role in that regard.

15. (C) In response to the Ambassador's inquiry, Tsunga said ZLHR had the capacity to ramp up for a larger workload if significant MDC and civil society clashes with the GOZ materialized. Robust legal representation could be an important confidence-builder, especially with the MDC's perceived inability to protect its own in the field. Fear and perceptions of state readiness to crush civic action remained but public receptivity to civic action was growing. Tsunga said he agreed with the thrust of nascent MDC and

SIPDIS  
civil society action plans and ZLHR would continue to coordinate with the democratic opposition in that regard. He lamented that too many in civil society were "committed to safe zones" and afraid to risk their necks.

-----  
Activities in Multilateral Forums Resonating  
-----

16. (C) Tsunga said bringing Zimbabwean cases before multilateral forums, especially the African Union's Africa Commission on People's and Human Rights (ACPHR) was another key ZLHR activity, and one that was beginning to have results. For instance, the week of March 20, ZLHR had brought a case at the ACPHR in connection with the GOZ's recent constitutional amendments, which dispossessed the judiciary of jurisdiction over state seizures under land reform. Significantly, the petition had been joined by the law societies of Tanzania, Uganda, Namibia, Zambia and the SADC Lawyers' Association. Tsunga said he had used his chairmanship of the SADC Bar's human rights committee and connections at the International Bar Association to generate this regional concern.

17. (C) Asked by the Ambassador about other ACPHR cases, Tsunga said there were eleven cases pending and that despite

SIPDIS

GOZ delaying tactics, the ACPHR had already accepted four. He predicted that all would eventually be heard, including the case on Operation Restore Order - built largely on USAID-funded data collection ) which was scheduled for a jurisdictional hearing in June and would be heard on the merits in October. He noted that ZLHR was also pursuing Operation Restore Order in a domestic class action. Ultimately, he hoped UNSC attention would open an avenue to action at the International Criminal Court on the operation. The Ambassador noted political obstacles and USG objections to the ICC and urged ZLHR to consider other possibilities.

¶8. (C) Regarding the GOZ's recently reported intention to establish a human rights commission, Tsunga agreed with the Ambassador's analysis that it was another GOZ effort to obstruct ZLHR from being able to bring cases before regional tribunals such as the ACHPR. The GOZ would present the body as another level of domestic administrative appeal that would have to be exhausted before the ACHPR could act. However, legally, Tsunga said it would have no effect on cases already before the ACPHR.

-----  
Economic Crimes  
-----

¶9. (C) The Ambassador noted our interest in developing evidence to support expansion of the list of sanctioned

HARARE 00000376 003 OF 003

individuals and entities and inquired if ZLHR could be of assistance. Tsunga confirmed that ZLHR's litigation developed considerable documentation that could be used in that regard. Moreover, with additional funding the organization would be interested in expanding its activities to include economic crimes involving official impunity, which he said was an untapped area of human rights litigation. He said ZLHR would produce a proposal in the coming weeks for a project that would spotlight official economic fraud, which could also develop sanctions-related information.

-----  
Comment  
-----

¶10. (C) Tsunga and his committed colleagues at ZLHR play a critical role in pressuring the regime domestically, regionally, and internationally. Tsunga has made ZLHR the country's preeminent organization representing victims of human rights abuse through its national network of human rights defenders. Recent GOZ efforts to intimidate him personally (reftel) have had no effect on his commitment and energy to address the regime's abuses. We are nominating Tsunga for the 2006 Robert F. Kennedy Human Rights Award and

SIPDIS

plan to maintain our strong support for his and ZLHR's efforts, including their nascent effort to expose economic crimes.

DELL